| SOUTHERN DISTRICT OF NEW YORK | V |
|-------------------------------------|---|
| JASON GOODMAN, | -X |
| Plaintiff, | |
| -against- | : ORDER TO SHOW CAUSE 23 Civ. 9648 (JGLC) (GWG) |
| THE CITY OF NEW YORK et al., | |
| Defendants. | |
| | : -X |
| GABRIEL W. GORENSTEIN, United State | Magistrate Judge |

Plaintiff Jason Goodman filed this action against a number of named defendants as well as five defendants identified as "John Doe 1," "John Doe 2," "John Doe 3," "John Doe 4" and "Jane Doe" (collectively, the "Doe Defendants"). See Complaint, filed Oct. 31, 2023 (Docket # 1) ("Compl.").

None of the Doe Defendants has been named or served. Nonetheless, in considering the pending motions to dismiss, the Court will necessarily address the issue of whether the complaint states any claim cognizable in federal court against the Doe Defendants. In particular, the allegations in the complaint raise the question of whether the complaint shows that the Doe Defendants were acting under color of law and thus liable for any of the federal causes of action.

Accordingly, plaintiff is hereby ORDERED TO SHOW CAUSE why the claims as to the Doe Defendants should not be dismissed pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim on the ground that the complaint does not show that the Doe Defendants acted under color of law. The plaintiff's response shall be made by means of a letter or memorandum of law filed on or before June 28, 2024.

The Court is aware that plaintiff has already made arguments that the Doe Defendants acted under color of law, see, e.g., Response in Opposition to Motion to Dismiss, filed May 2, 2024 (Docket # 105), ¶¶ 21-23, and has made numerous allegations in the complaint on this issue, see, e.g., Compl. ¶¶ 17, 33, 42, 46, 61, 65. Plaintiff is not required to repeat any such arguments as the Court will consider them even if plaintiff makes no filing in response to this Order to Show Cause.

It is requested that counsel for defendants email a copy of this Order to plaintiff.

SO ORDERED.

Dated: June 21, 2024

New York, New York

CABRIEL W. CORENSTEIN United States Magistrate Judge